

HOUSE BILL No. 1543

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-9-45.

Synopsis: Indiana Toll Road food and beverage tax. Authorizes Elkhart, LaGrange, LaPorte, Porter, and Steuben counties to adopt a food and beverage tax that is imposed only within a travel plaza located next to the Indiana toll road. Provides that the tax rate equals 1%. Specifies that the receipts from the food and beverage tax shall be distributed to the Northern Indiana Tourism Development Commission. Specifies the uses to which receipts from the food and beverage tax may be applied.

Effective: July 1, 2015.

Dermody, Culver

January 20, 2015, read first time and referred to Committee on Ways and Means.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1543

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-9-45 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:
4 **Chapter 45. Indiana Toll Road Food and Beverage Tax**
5 **Sec. 1. This chapter applies to Elkhart, LaGrange, LaPorte,**
6 **Porter, and Steuben counties (referred to as counties in this**
7 **chapter).**
8 **Sec. 2. The definitions in IC 6-9-12-1 apply throughout this**
9 **chapter.**
10 **Sec. 3. As used in this chapter, "commission" means the**
11 **Northern Indiana Tourism Development Commission.**
12 **Sec. 4. As used in this chapter, "travel plaza" means a service**
13 **area located next to the Indiana toll road at which drivers and**
14 **passengers can rest, eat, or refuel without exiting the Indiana toll**
15 **road.**



1 **Sec. 5. (a) The fiscal body of a county may adopt an ordinance**
 2 **to impose an excise tax, known as the food and beverage tax, on**
 3 **those transactions described in section 7 of this chapter that occur**
 4 **within a travel plaza:**

5 **(1) located in the county; and**

6 **(2) in which a food and beverage tax is not already imposed.**

7 **(b) The rate of the tax imposed under this chapter equals one**
 8 **percent (1%) of the gross retail income on the transaction.**

9 **Sec. 6. If a fiscal body adopts an ordinance under section 5 of**
 10 **this chapter, the clerk of the circuit court shall immediately send**
 11 **a certified copy of the ordinance to the commissioner of the**
 12 **department of state revenue.**

13 **Sec. 7. (a) Except as provided in section 8 of this chapter, a tax**
 14 **imposed under section 5 of this chapter applies to any transaction**
 15 **in which food or beverage is furnished, prepared, or served:**

16 **(1) for consumption at a location, or on equipment, provided**
 17 **by a retail merchant;**

18 **(2) in a travel plaza in which the tax is imposed; and**

19 **(3) by a retail merchant for consideration.**

20 **(b) Transactions described in subsection (a)(1) include**
 21 **transactions in which food or beverage is:**

22 **(1) sold in a heated state or heated by a retail merchant;**

23 **(2) two (2) or more food ingredients mixed or combined by a**
 24 **retail merchant for sale as a single item (other than food that**
 25 **is only cut, repackaged, or pasteurized by the seller, and eggs,**
 26 **fish, meat, poultry, and foods containing these raw animal**
 27 **foods requiring cooking by the consumer as recommended by**
 28 **the federal Food and Drug Administration in chapter 3,**
 29 **subpart 3-401.11 of its Food Code so as to prevent food borne**
 30 **illnesses); or**

31 **(3) sold with eating utensils provided by a retail merchant,**
 32 **including plates, knives, forks, spoons, glasses, cups, napkins,**
 33 **or straws (for purposes of this subdivision, a plate does not**
 34 **include a container or packaging used to transport the food).**

35 **Sec. 8. The food and beverage tax under this chapter does not**
 36 **apply to the furnishing, preparing, or serving of any food or**
 37 **beverage in a transaction that is exempt, or to the extent exempt,**
 38 **from the state gross retail tax imposed by IC 6-2.5.**

39 **Sec. 9. A tax imposed under this chapter shall be imposed, paid,**
 40 **and collected in the same manner that the state gross retail tax is**
 41 **imposed, paid, and collected under IC 6-2.5. However, the return**
 42 **to be filed for the payment of the taxes may be made on separate**



1 returns or may be combined with the return filed for the payment
 2 of the state gross retail tax, as prescribed by the department of
 3 state revenue.

4 **Sec. 10.** The amounts received from a tax imposed under this
 5 chapter shall be paid monthly by the treasurer of state to the fiscal
 6 officer of the county in which the tax is imposed and collected upon
 7 warrants issued by the auditor of state. The county auditor for the
 8 county in which the tax is imposed and collected shall, at least
 9 monthly, make a distribution of all amounts received from the
 10 treasurer of state in the immediately preceding thirty (30) days to
 11 the commission.

12 **Sec. 11.** Any money coming into possession of the commission
 13 under this chapter shall be deposited, held, secured, invested, and
 14 paid in accordance with the general statutes concerning the
 15 handling of public funds. The handling and administering of money
 16 coming into possession of the commission is subject to audit and
 17 supervision by the state board of accounts.

18 **Sec. 12.** Any money coming into possession of the commission
 19 under this chapter shall be used by the commission only for the
 20 following purposes:

21 (1) To establish or maintain programs of the commission that:

22 (A) promote local tourism;

23 (B) are intended to increase spending in the counties by
 24 travelers of the Indiana toll road; and

25 (C) are operated primarily within a travel plaza located in
 26 a county.

27 (2) Expenditures necessarily related to visitor information
 28 services of a program referenced in subdivision (1), including
 29 expenditures for:

30 (A) advertising;

31 (B) brochures and publications;

32 (C) maps;

33 (D) travel directories;

34 (E) coupons;

35 (F) signage;

36 (G) dioramas;

37 (H) lodging reservation boards; and

38 (I) information displays.

39 (3) Expenditures necessary for management personnel
 40 staffing of a program referenced in subdivision (1).

41 (4) Expenditures made for media services to promote the
 42 commission's product development initiatives concerning



1 **programs referenced in subdivision (1).**

